

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Nashid Fuad Ibn Mateen,

Petitioner,

v.

David Shinn, et al.,

Respondents.

No. CV-22-01508-PHX-DWL

ORDER

Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of the United States Magistrate Judge (Doc. 18). The R&R, which was issued on September 6, 2023, recommended that the petition be denied and dismissed with prejudice and further provided that "[t]he parties shall have fourteen days from the date of service of a copy of this Report and Recommendation within which to file specific written objections with the Court." (Doc. 18 at 21.)

Here, no such objections have been filed and the deadline to object has expired. Additionally, the docket reflects that Petitioner is no longer in custody. (Doc. 19.) Thus, the Court accepts the Magistrate Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("[N]o review is required of a magistrate judge's report and


1 recommendation unless objections are filed.”). *See also United States v. Reyna-Tapia*, 328
2 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s
3 findings and recommendations de novo *if objection is made*, but not otherwise.”).

4 Accordingly,

5 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 18) is **accepted**,
6 that the Petition (Doc. 1) is **denied and dismissed with prejudice**, that Petitioner’s request
7 to order the State to provide additional documentation (Doc. 16 at 1) is **denied**, and that
8 the Clerk of Court shall enter judgment accordingly.

9 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
10 proceed in forma pauperis on appeal are **denied** because Petitioner has not made a
11 substantial showing of the denial of a constitutional right and because the dismissal of the
12 Petition is justified by a plain procedural bar and jurists of reason would not find the
13 procedural ruling debatable.

14 Dated this 28th day of September, 2023.

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19 Dominic W. Lanza
20 United States District Judge
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